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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,962	06/22/2001	Hassan Jomaa	JOMAA-5(PCT)	9943
30593	7590	07/15/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			COPPINS, JANET L	
			ART UNIT	PAPER NUMBER
			1626	
DATE MAILED: 07/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/868,962

Examiner

Janet L. Coppins

Applicant(s)

JOMAA, HASSAN

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment of 4/12/05 and the Examiner's Amdmt.
2. ☒ The allowed claim(s) is/are 13-18,23 and 24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 13-18, 23, and 24 pending in the instant application.

Response to Amendment

1. Receipt is acknowledged of Applicants' Amendment, submitted April 12, 2005, which has been reviewed by the Examiner and entered of record in the file.
2. Accordingly, claims 19-22 have been cancelled, and claims 13-18, 23, and 24 have been amended.

Election/Restrictions

3. The Restriction Requirement has been overcome via Applicants' cancellations and amendatory changes to the claims.

Claim Rejections - 35 USC § 112

4. Claim 24 previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In view of Applicants' amendatory changes and persuasive remarks, the Examiner withdraws the rejection to the claim.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg P. Brummett, Reg. No. 41,646 on July 7, 2005.

The application has been amended as follows:

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(a) Claim 23, line 1, please delete the phrase, "for the therapeutic and prophylactic treatment of infectious processes" so that the claim now reads, "A pharmaceutical preparation comprising: ...".

Allowable Subject Matter

6. Claims 13-18, 23, and 24, are allowable, in amended form, as newly renumbered claims 1-8.

The following is an examiner's statement of reasons for allowance: This invention relates to novel organophosphorous compounds and compositions that exhibit cytotoxic activity. The allowable compounds in this case are limited to phosphono-alkyl-pyridinone compounds according to the formulae of claim 13. The claimed compounds are found allowable because certain phosphono-pyridone compounds are known to those skilled in the art to be antimicrobial agents, useful as antibacterial agents or herbicidal agents. However the aspect of preparing the instant phosphono compounds, that contain a central 2-pyridinone moiety, is novel and unobvious. The closest of prior art fails to teach or render obvious the preparation of the aforementioned compounds that contain the same phosphono-pyridinone structure as described above. For example, Neu et al disclose similar phosphonic acid compounds with antibacterial activity, however there is no overlap with the instantly claimed compounds since Neu et al do not teach a pyridone or pyridinone group adjacent to the phosphonic acid moiety, which differentiates them from the instant claims. Therefore, the prior art of record does not teach or fairly suggest the instant claimed compounds or their utility as cytotoxic agents.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

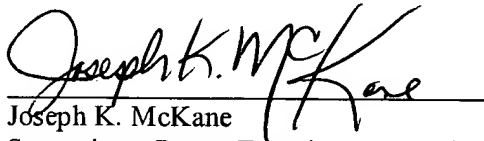
Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571.272.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
July 7, 2005


Joseph K. McKane
Supervisory Patent Examiner, Art Unit 1626